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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the Transnational Radical Party, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1996]

1. Today, hundreds of Tibetans are in prison for having peacefully exercised their rights to express and hold opinions. Since 1987, according to Amnesty International, more than 60 Tibetans are known to have been shot by security forces during peaceful demonstrations. There are at least 12 documented cases of Tibetan prisoners of conscience who have died in prison, or shortly after release from prison, as a result of torture and mistreatment. Virtually all these Tibetans were imprisoned, tortured or killed for peacefully exercising their rights to speak freely and to hold opinions, including speaking or demonstrating in support of the Tibetans' right to self-determination or in support of the Dalai Lama, printing or distributing leaflets or posters or speaking to foreigners. Despite international condemnation, China openly continues to deny Tibetans the freedom to express and hold opinions.

2. Article 19 of the Universal Declaration of Human Rights establishes freedom of opinion and expression as a fundamental human right. Article 20 establishes the right to freedom of peaceful assembly. These rights, among others in the Universal Declaration, have become binding as customary international law. The Commission's Working Group on Arbitrary Detention

reports on violations of these rights. Moreover, China has acknowledged to the United Nations that it adheres to the principles set out in the Universal Declaration. Article 35 of China's Constitution also guarantees freedom of expression, publication, demonstration and assembly.

3. China's denial of freedom of opinion in Tibet has existed since 1949, but has intensified since 1987 when Tibetans began publicly demonstrating against Chinese occupation. These demonstrations were sparked in part by the public execution of two Tibetans for allegedly having demonstrated against the occupation.

4. In 1991, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1991/10, noting its concern at continued reports of violations of Tibetans' fundamental rights and requesting the Secretary-General to report to the Commission on Human Rights on the situation in Tibet. At that time, according to Amnesty International, more than 100 Tibetans were known to be in prison for freely exercising their rights to freedom of expression and opinion.

5. Since 1991, arrests and torture of peaceful demonstrators have continued. For example, five nuns from Michungri nunnery and a monk from Sera monastery were arrested for participating in a demonstration in Lhasa on 3 February 1992. Two of the nuns, Phuntsog Yangkyi, age 20 and Sherab Ngawang, age 15, died as a result of beatings and lack of medical care while in prison.

6. Since 1992, arrests of Tibetans who express or hold dissident opinions have increased. For example, in a detailed 1994 report on prisoners of conscience in China and Tibet, Asia Watch observed that, of 250 documented political arrests in China in 1993, "almost 80 per cent of these cases occurred in Tibet, where a continuing Chinese government campaign of repression against peaceful pro-independence activities by Buddhist monks and nuns sharply intensified during the year".

7. For example, in June 1993, 14 Buddhist nuns from the Gari nunnery were arrested: 2 (Gyaltsen Tsultrim and Ngawang Yangkyi) while attempting to lead a demonstration on the Barkhor in Lhasa and 12 more apparently for planning a demonstration (Gyaltsen Kelsang, Ngawang Keldron, Ngawang Dedrol, Ngawang Chendrol, Gyaltsen Sangmo, Richen Drolma, Phuntsog Choekyi, Gyaltsen Kunga, Ngawang Chime, Ngawang Choekyi, Ngawang Pemo and Gyaltsen Pelsang). These nuns were between 13 and 25 years old. Gyaltsen Pelsang, the youngest, was under the age of criminal responsibility in China at the time of her arrest but nevertheless she was held for a year and a half without trial or sentence before her release in February 1995. One nun, Gyaltsen Kelsang, died on 20 February 1995, as a result of beatings and maltreatment while in prison. She had been released only shortly before her death.

8. Article 19 of the Universal Declaration also protects the right to "receive and impart information ... regardless of frontiers". None the less, in May 1993, Gendun Rinchen was arrested for passing information to a foreign fact-finding delegation. He was later released, but another Tibetan who was arrested in May 1993 for passing information to foreigners, Lobsang Yonten,

age 65, died in October 1994 after his release from prison as a result of torture and mistreatment while in prison. Yulo Dawa Tsering, age 67, was arrested in 1987 for speaking to two Italian tourists and was released after serving seven years.

9. A Tibetan nun, Phuntsok Nyidron, is currently the longest-serving known female political prisoner in Tibet. She has been in prison since 14 October 1989, when she peacefully demonstrated against the Chinese occupation of Tibet. Her nine-year sentence was increased by eight years in 1993 when she and other nuns sang pro-independence songs in Drapchi prison.

10. Chinese authorities reported that they arrested twice as many Tibetans in 1994 for "counter revolutionary" activities as in 1993. Monks and nuns accounted for 87 per cent of those arrested. By the end of 1994, based on cases documented by Amnesty International, there were at least 628 Tibetans in prison for political reasons, including 182 women and 45 children. This is a six-fold increase over the number of political prisoners reported in 1991.

11. Among documented cases since 1989 are 71 Tibetan children under the age of 18 who were detained for peacefully expressing their opinions. According to Tibet Information Network, among these are Ngawang Sangdrol, age 15, who was sentenced to three years in prison for taking part in a demonstration in 1992. Her sentence was increased to nine years for singing songs in prison. In December 1993, six schoolchildren, ages 13 to 17, were arrested in Lhasa for singing nationalist songs.

12. In October 1994, the Working Group on Arbitrary Detention ruled that China had violated the rights to freedom of expression and opinion of 39 Tibetans, mostly monks and nuns (E/CN.4/1995/Add.1). The Working Group ruled that the detentions were "in contravention of articles 19 and 20 of the Universal Declaration of Human Rights ... The right of the person concerned to freedom of opinion and expression has not been respected".

13. In 1994, China formally outlawed even the display of photographs of the Dalai Lama. Other efforts to suppress pro-independence opinions and activities in monasteries and nunneries have included the arrests of monks from Yamure monastery near Lhasa in January 1995 and from Rongbo monastery in Amdo in July 1995 for distributing pamphlets calling for the independence of Tibet and acclaiming the Dalai Lama.

14. Since May 1995, when the Dalai Lama recognized Gedhun Choekyi Nyima as the eleventh Panchen Lama, China has detained Chadrel Rinpoche, the abbot of Tashi Lhunpo monastery, and as many as 50 other monks and laypersons for communicating with the Dalai Lama or for opposing China's choice for the Panchen Lama. In November 1995, religious leaders in Tibet were ordered to prepare statements criticizing the Dalai Lama and Chadrel Rinpoche.

15. China also limits freedom of opinion and expression through "neighbourhood committees" and "work units". These local administrative structures are used to monitor opinions, to warn Tibetans not to demonstrate or to display pro-independence posters, or to impose sanctions outside the judicial system for pro-independence opinions and speech. Work units established in monasteries and nunneries in recent years have been used to

monitor pro-independence activities, with the result that hundreds of monks and nuns have been expelled and others imprisoned because of their opinions.

16. We applaud the Commission on Human Rights past attention to the denial of freedom of opinion and expression and of peaceful assembly for Tibetans, and especially the thorough work of the Working Group on Arbitrary Detention. We believe, however, that the Commission on Human Rights should recommend that the General Assembly and the Secretary-General take action to end the denial of this basic freedom in Tibet. The human rights situation in Tibet continues to worsen and China avoids accountability for its open policy and practice of denying Tibetans the right to speak and think freely. We therefore call upon the Commission on Human Rights to adopt a strong resolution on China at this session.